



the Michigan Campaign Finance Act called Value for Michigan.<sup>4</sup> Mr. John Yob is the treasurer of Value for Michigan. Mr. Timmer claims that Mr. Moolenaar's congressional campaign had not paid Mr. Yob for services that he allegedly provided, so the \$98,000 contribution to Value for Michigan must have been a scheme to pay Mr. Yob for his services to the congressional campaign in violation of 11 C.F.R. 110.3(d).<sup>5</sup>

This allegation has no merit. First, the Michigan Campaign Finance Act specifically authorizes the \$98,000 contribution to Value for Michigan. Section 45 of the Michigan Campaign Finance Act requires the unexpended funds of a terminating candidate committee to be disbursed in one of seven ways.<sup>6</sup> One of those seven ways is to disburse the funds to an independent committee.<sup>7</sup> Value for Michigan is a registered independent committee.<sup>8</sup> Accordingly, the disbursement of the unexpended funds of Mr. Moolenaar's terminating state-senate candidate committee to Value for Michigan was authorized under Michigan law.

Second, the contribution was made to Value for Michigan and not to Mr. Yob. Value for Michigan is not the alter ego of Mr. Yob just because Mr. Yob is the treasurer. Value for Michigan is an independent committee under the Michigan Campaign Finance Act and not a nonconnected committee registered with the FEC. Consequently, Value for Michigan is limited to making contributions and expenditures under the Michigan Campaign Finance Act and may not pay—and has not paid—Mr. Yob or any other person for services provided to a federal campaign.<sup>9</sup>

Third, Mr. Moolenaar and Mr. Yob have both signed declarations (which are attached) attesting to the fact that there was no scheme to pay Mr. Yob through Value for Michigan for services he provided to Mr. Moolenaar's congressional campaign. Specifically, Mr. Moolenaar states that the \$98,000 contribution from Friends of John Moolenaar to Value for Michigan was made as part of dissolving Friends of John Moolenaar consistent with the Michigan Campaign Finance Act.<sup>10</sup> And he attests that there was no agreement with any person that the \$98,000 contribution from Friends of John Moolenaar to Value for Michigan would be used in any way to pay Mr. Yob or any of his companies for services rendered to his congressional campaign.<sup>11</sup> Similarly, Mr. Yob attests that the \$98,000 contribution from Friends of John Moolenaar to Value for Michigan would not be used in any way to pay him or any of the companies he owns for services rendered to Senator Moolenaar's congressional campaign.<sup>12</sup> In addition, Mr. Yob stated that there is no intention to register Value for Michigan as a nonconnected committee with the FEC or to otherwise use its funds for any purpose other than to make contributions and expenditures under the Michigan Campaign Finance Act.<sup>13</sup>

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at \*2.

<sup>6</sup> MCL 169.245(2).

<sup>7</sup> MCL 169.245(2)(f).

<sup>8</sup> [http://miboccf.nictusa.com/cgi-bin/cfi/com\\_det.cgi?com\\_id=515510](http://miboccf.nictusa.com/cgi-bin/cfi/com_det.cgi?com_id=515510).

<sup>9</sup> See MCL 169.205(4) ("The term 'elective office' that limits the definitions of 'contribution' and 'expenditure' 'does not include a federal office,' except for the prohibition against using public resources for political purposes).

<sup>10</sup> Moolenaar affidavit at ¶¶ 6 and 7.

<sup>11</sup> *Id.* at ¶ 9.

<sup>12</sup> Yob affidavit at ¶ 5.

<sup>13</sup> *Id.* at ¶ 7.

110344M1-M10N

Mr. Timmer's unsupported allegations to the contrary fall under the weight of these uncontroverted facts. The alleged evidence that Mr. Timmer encloses with his complaint regarding Mr. Yob's services to Mr. Moolenaar's congressional campaign is an e-mail from Mr. Yob dated July 21, 2014, which is after the July 17, 2014 close-of-books for Moolenaar for Congress's pre-primary report. Mr. Timmer admits in his complaint that Moolenaar for Congress has reported making payments to one of Mr. Yob's companies for services before July 17. The deadline for reporting any further payments to Mr. Yob has not yet passed.

Moolenaar for Congress made payments before July 17 to two of Mr. Yob's companies. In the July-quarterly and pre-primary reports, Moolenaar for Congress reported paying Victory Phones a total of \$11,188.91. Also, the July-quarterly report disclosed a payment of \$12,259.12 to E Design Company. Both Victory Phones and E Design Company are Mr. Yob's companies. So, contrary to Mr. Timmer's unsupported allegations, Moolenaar for Congress has reported its payments to Mr. Yob. It has reported paying Mr. Yob \$23,448.03 through his companies for services before July 17, and any further payments to Mr. Yob or any of his companies made after July 17 will be reported in subsequent filings with the FEC.

For these reasons, Mr. Timmer's complaint alleging a scheme to pay Mr. Yob for services to Mr. Moolenaar's congressional campaign through his state-senate committee has no merit. It was an unsuccessful attempt to smear Mr. Moolenaar in hopes of winning an election. Therefore, the FEC should not take any action in this matter.

Very truly yours,

Troy M. Cumings